IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Misc.Civil Application No. 401 of 2007
[Smt. Nayna P. Shingare Vs. Pradeep D. Singare]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. H.N. Potbhare, Advocate for the applicant.
Mr. S.B. Solat, Advocate for Respondent.

CORAM : A.B.CHAUDHARI, J.

DATE : 17th September,2007.

1. Heard.

2. This is an application for transfer of a Hindu Marriage Petition filed by the respondent before the Civil Court at Wardha to the Civil Court at Bhandara.

3. Learned Counsel for the petitioner argued that it is inconvenient for the petitioner to attend the proceedings of Hindu Marriage Petition filed by the husband at Wardha and, therefore, to avoid such inconvenience, in the light of the Judgment rendered by this Court in case of Sau. Kirti w/o Vikas Yeskade Vs. Vikas Bhagiratrao Yeskade [2006 (2) ALL MR 39], the transfer of the Hindu Marriage Petition, as

prayed for by her, deserves to be allowed.

4. Per contra, Mr.Solat, learned counsel for the respondent-husband, argued that the daughters of the couple are staying with the respondent at Wardha, who is serving as a Clerk in Mahatma Gandhi Institute of Medical Sciences, Sevagram, Wardha, and looking to the nature of his job, it would be difficult for him to prosecute the Hindu Marriage Petition at Bhandara, if transferred from Wardha. He also showed the respondent's willingness to bear the expenditure for travel of the petitioner from Bhandara to Wardha, and also argued that the petitioner-wife has already filed reply to the Divorce Petition and now what remains is the evidence of the parties which can be finished in a few dates.

5. Considering the submissions of rival parties, looking to the fact that the respondent is taking care of the daughter born out of the wedlock and that the respondent is serving in the Medial College, in my opinion, it would subserve the ends of justice if the following order is made :-

The prayer for transfer of Hindu Marriage Petition filed by the respondent from Wardha to Bhandara is rejected. However, the respondent shall bear the expenditure for travel and stay of the petitioner, if any, for

attending the proceedings of Hindu Marriage Petition at Wardha, and that both the parties shall not at all protract the hearing of said Hindu Marriage Petition in the Civil Court at Wardha. The respondent shall provide expenditure for travel and stay of the petitioner. The respondent shall pay a lump-sum amount of Rs. 5,000-00 [rupees five thousand only] towards expenditure which will be incurred by the wife for travel and fees of her Advocate.

Application is disposed of.

Judge

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